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Attorneys for Defendant  
ROBERT RUNDO

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ROBERT RUNDO,  
  
Defendant.

Case No. CR 18-759-CJC-1

**DEFENDANT ROBERT RUNDO'S  
EX PARTE APPLICATION FOR  
ORDER UNSEALING  
APPLICATION FOR ISSUANCE OF  
ARREST WARRANT AND ORDER**

1 Defendant Robert Rundo, by and through his attorneys of record, Deputy Federal  
2 Public Defenders Julia Deixler and Erin M. Murphy, hereby applies *ex parte* for an  
3 order unsealing the government's February 22, 2024 arrest warrant application and  
4 order signed by the Honorable Steve Kim, United States Magistrate Judge. This  
5 application is based on the attached declaration of counsel.

6 The government does not oppose this application.  
7

8 Respectfully submitted,

9 CUAUHTEMOC ORTEGA  
10 Federal Public Defender

11 DATED: February 26, 2024

By /s/ Erin M. Murphy

12 ERIN M. MURPHY  
13 JULIA DEIXLER  
14 Deputy Federal Public Defenders  
15 Attorneys for ROBERT RUNDO  
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**DECLARATION OF ERIN M. MURPHY**

I, Erin M. Murphy, declare:

1. I am an attorney at the Office of the Federal Public Defender in the Central District of California appointed to represent defendant Robert Rundo in *United States v. Robert Rundo, et al.*, 18-CR-759-CJC.

2. Mr. Rundo was released from custody on February 21, 2024 after the district court dismissed the charges against him. *See* Order re: Mots. to Dismiss, ECF No. 333; *see also* Gov't's Emergency Mot. to Authorize Def. Rundo's Arrest and Return To Custody, Ninth Circuit Case No. 24-932, Docket No. 6. Shortly thereafter, the government filed an emergency motion in the Ninth Circuit requesting a stay of Mr. Rundo's release. Government's Emergency Mot. to Stay Def. Rundo's Release and Continue his Detention Pending Appeal, Ninth Circuit Case No. 24-932, Docket No. 3.

3. The Ninth Circuit granted a temporary stay of Mr. Rundo's release on February 22, 2024 (Ninth Circuit Case No. 24-932, Docket No. 5) and the government sought an arrest warrant that morning. Soon after, defense counsel and the government appeared before the Honorable Steve Kim, United States Magistrate Judge. The arrest warrant application was granted later that day. Mr. Rundo was arrested without incident within hours, while defense counsel was arranging his self-surrender with government counsel. The defense understands that both the arrest warrant and the application for the arrest warrant remain under seal.<sup>1</sup>

4. The defense intends to file a Motion to Lift the Administrative Stay for Immediate Release with the Ninth Circuit. That filing will be based on the proceedings referenced above, as well as the hearing before Magistrate Judge Kim on February 23, 2024. An argument in support of that relief will point to the unlawful nature of the arrest warrant, and the representations the government made in order to obtain it. Accordingly, the defense may wish to attach the arrest warrant and application to the

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<sup>1</sup> The defense was provided with copies of the arrest warrant and application.

1 Motion to Lift the Administrative Stay for Immediate Release with the Ninth Circuit.  
2 To do so, the arrest warrant and application must first be unsealed.

3 5. On February 25, 2024, I contacted government counsel for their position  
4 on this request. On February 26, 2024, government counsel informed me the  
5 government does not object.

6  
7 I declare under penalty of perjury under the laws of the United States of America  
8 that the foregoing is true and correct to the best of my knowledge.

9 Executed on February 26, 2024, at Los Angeles, California.

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11 /s/ Erin M. Murphy

12 ERIN MURPHY

13 Deputy Federal Public Defender  
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